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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY ______ ____ DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **Jose PONCE-Velasquez,** Defendant(s)	Magistrate Case No. '08 MJ 2129 COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **July 13, 2008,** within the Southern District of California, defendant **Jose PONCE-Velasquez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Alfonso CELAYO-Chavira, Emanuel JIMATE-Lopez,** and **Carlos LOPEZ-Salazar** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **JULY, 2008**

Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Jose PONCE-Velasquez

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Alfonso CELAYO-Chavira, Emanuel JIMATE-Lopez,** and **Carlos LOPEZ-Salazar** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 13, 2008, at approximately 1:35 a.m., United States Border Patrol Agent R. Beckhelm responded to a radio call from San Diego Sector Border Patrol Dispatch stating that the California Highway Patrol had custody of fourteen suspected illegal immigrants. Agent Beckhelm arrived on scene at the Severin Drive exit off of Interstate 8 Westbound in La Mesa California at approximately 1:40 a.m. Upon Agent Beckhelm's arrival, Officer Garrow of the California Highway Patrol informed him that he had pulled the vehicle over on suspicion that the driver was driving under the influence. Officer Garrow witnessed the driver, later identified as the defendant **Jose PONCE-Velasquez** crawl into the back of the vehicle so as to deceive the officer as to who was the driver of the vehicle. Officer Garrow was able to positively identify the defendant as the driver of the vehicle.

Agent Beckhelm identified himself as a United States Border Patrol Agent and questioned each person individually as to his citizenship. Each of the fourteen individuals admitted they were citizens and nationals of Mexico, who illegally entered the United States. Each of the fourteen subjects admitted that they were not in possession of any U.S. immigration documents that would allow him to enter or remain in the United States legally. All fourteen individuals were placed under arrest and transported to the El Cajon, California, Border Patrol Station for processing.

DEFENDANT STATEMENT:

Defendant Jose PONCE-Velasquez was advised of his Miranda rights. He stated he understood and was willing to make a statement without an attorney present. He also stated that he is a citizen and national of Mexico without immigration documents to be in or remain in the United States legally.

PONCE stated that he last entered illegally into the United States on July 11, 2008 at approximately 11:00 p.m. near Tecate, California. PONCE stated that he entered with thirteen others in the group and with the assistance of a guide. PONCE stated that he did not have money to pay the guide and was told he could drive the Chevy truck with the 13 undocumented immigrants in lieu of payment. PONCE stated that the guide expected a $1,500 payment of him upon arrival in the United States. PONCE agreed to drive the vehicle in lieu of this $1,500 payment. PONCE stated that the group entered the vehicle somewhere in Tecate, and that he wasn't quite sure of the exact location.

PONCE admitted that he was driving the grey Chevy truck when the California Highway Patrol pulled him over. PONCE stated that he attempted to jump into the back of the truck in order to avoid being seen as the driver of the vehicle. PONCE stated that he understood driving the vehicle with undocumented immigrants in it was illegal. PONCE also stated he was aware there were 13 individuals in the vehicle and that all 13 individuals were undocumented immigrants. PONCE stated he did not know who the owner of the vehicle was and that the guide gave him the keys to the vehicle with instructions to drive away and await further directions.

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CONTINUATION OF COMPLAINT:
Jose PONCE-Velasquez

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Alfonso CELAYO-Chavira and Emanuel JIMATE-Lopez** state that they are citizens and nationals of Mexico illegally present in the United States. Material witness **Carlos LOPEZ-Salazar** states that he is a citizen and national of Guatemala illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay $1,800.00 to $2,700.00 (USD) to be smuggled into the United States. Material witnesses **Alfonso CELAYO-Chavira, Emanuel JIMATE-Lopez,** and **Carlos LOPEZ-Salazar** were shown a photographic line up and were able to identify defendant **Jose PONCE-Velasquez** as the driver of the vehicle.